



# MidPenn Legal Services

## **Private Attorney Involvement Plan (PAI)**

**Adopted by the MidPenn Board of Director  
April 19, 2007**

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## INTRODUCTION

MidPenn Legal Services (MidPenn) is a non-profit public interest law firm dedicated to providing equal access to justice and high quality civil legal services to low-income residents and survivors of domestic violence in the following counties in Central Pennsylvania: Adams, Bedford, Berks, Blair, Centre, Clearfield, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry, Schuylkill and York. According to the 2000 census, approximately a quarter million individuals in our service area were living at or below 125% of the poverty level. The region is rich in its geographic and demographic diversity. The bar associations within the region are equally diverse, which results in a broad range of Private Attorney Involvement (PAI) activities all designed to address the unmet civil legal needs of low income residents in our 18 county region.

The caseload statistics, as quoted within the plan, may vary slightly from those that are reported in Grant Activity Reports. When referrals are made to *pro bono* attorneys for cases that represent a conflict for MidPenn, there is no case file opened and no case closing information collected. Therefore, except for the information maintained by *pro bono* coordinators for purposes of tracking referrals to volunteer attorneys, there is no statistical data collected for referrals of conflict cases. But, for purposes of crediting *pro bono* attorneys with cases accepted, statistics include conflict cases and, therefore, are reflected in this plan. Additionally, in a few counties, the *pro bono* referral statistics are actually the number of cases referred, regardless of whether or not the client followed through with the appointment.

Given our limited resources, MidPenn has established case service priorities and case acceptance guidelines to aid us in making decisions as to which types of cases we can handle. Moreover, MidPenn does not possess adequate resources to meet all of the demands for legal services without the assistance of private attorneys, paralegals and law school clinics.

This PAI plan describes *pro bono* activities throughout the MidPenn service area, as well as the systems that have been developed for follow-up on cases that are sent to *pro bono* attorneys to ensure compliance with the LSC regulations.

As you will note private attorneys in the MidPenn region participate in various *pro bono* activities including:

- Individual representation
- Conducting Pro Se Clinics
- Conducting Community outreach and education
- Providing Brief Service and advice
- Contributing money to MidPenn in lieu of taking cases

Contributing Arbitration fees to MidPenn and  
Writing articles for the MidPenn client newsletter, *MidPenn Matters*

All of these activities are designed to offer pro bono lawyers ways to assist MidPenn in meeting the needs of the low-income population in our 18 county region.

All references to poverty population statistics are based on the 2000 US Census and a copy of the Status/Closing Form referred to throughout the plan is found in Appendix A. All MidPenn offices use this form to track the status of *pro bono* referrals.

## ADAMS COUNTY

According to the 2000 US Census, 6,235 people in Adams County live in poverty. Members of the Adams County Bar Association assist with meeting the needs of this low-income population by providing *pro bono* services. Of the approximately 50 members of the Adams County Bar Association, 12 agreed to accept *pro bono* cases in 2006; that number has declined to nine for 2007. Due to the size of the private bar and the corresponding number of *pro bono* attorneys, the PAI program in Adams County is used almost exclusively for cases that present a conflict for MidPenn. Each participating *pro bono* attorney usually accepts two cases annually and interviews the client(s) in his/her private office. Most of the cases referred through the PAI program are in the area of family law (custody, divorce, and protection from abuse).

MidPenn mails an annual survey to each member of the Adams County Bar Association. This mailing serves not only to recruit attorneys but also to solicit information about the types of cases that the attorney is willing to accept. All cases referred to *pro bono* attorneys are initially screened by MidPenn staff to determine income eligibility, and to ascertain the general nature of the legal problem. As soon as the staff determines that the case is a conflict for MidPenn, no further screening for merit is done.

Because almost all of the cases referred to *pro bono* attorneys represent conflicts for MidPenn, there is no follow-up on the referrals. In the event that a PAI case is not a conflict, MidPenn's *pro bono* coordinator provides the attorney with a Status/Closing Form and monitors the case to ensure that this information is provided to MidPenn.

## BERKS COUNTY

In 2006, 123 of the Berks County Bar Association's 600 active members accepted more than 150 *pro bono* referrals. Additionally, another 189 members chose to fulfill their PAI obligation by making a financial contribution to support the work of MidPenn Legal Services. The recommended amount per attorney is \$550. The bar association sends MidPenn approximately \$80,000 in contributions each year. The private bar's generous support, in both time and money, is greatly needed in a county where 34,201 residents live in poverty.

Each year, the executive director of the Berks County Bar Association provides MidPenn with a list of participating *pro bono* attorneys. MidPenn staff contacts each attorney to confirm his/her designated time to interview clients at the MidPenn office. To the extent possible, cases are assigned to *pro bono* attorneys based on his/her area of expertise and/or specified interests. Prior to scheduling an appointment with a *pro bono* attorney, MidPenn staff screens clients to determine income eligibility, as well as to determine that the client has a type of case that is within MidPenn's Case Acceptance guidelines. There is also a brief assessment of merit in an attempt to ensure that the *pro bono* attorney's time is not spent on frivolous cases. In the event that MidPenn determines that the client presents a conflict, the case is referred to *pro bono* counsel without an evaluation of merit. Because of the varied backgrounds of the participating *pro bono* attorneys, MidPenn is able to make referrals in almost all of the substantive areas of law that are within MidPenn's case acceptance guidelines.

When a *pro bono* attorney receives information from MidPenn regarding his/her prospective client, he/she also receives a Status/Closing Form. If the form is not returned to MidPenn within three or four months (determined by type of case), MidPenn initiates a follow-up contact. Based on the outcome of that contact, the MidPenn *pro bono* coordinator decides when it is necessary to make a subsequent inquiry about the case. The *pro bono* coordinator continues to monitor all referrals (except for conflict cases, for which no case closing information is gathered by MidPenn) until the necessary case closing information is received.

## **CENTRE, JUNIATA, HUNTINGDON, MIFFLIN, CLEARFIELD, BEDFORD, and BLAIR COUNTIES**

MidPenn's Centre County office in State College has the responsibility for coordinating *pro bono* activities for Centre, Juniata, Huntingdon, Mifflin, Clearfield, Bedford, and Blair Counties<sup>1</sup>, although almost all of the 100 *pro bono* attorneys are located in Centre County. MidPenn contacts the bar association members annually to inquire about their interest in providing *pro bono* counsel and to determine which types of cases they would prefer to receive.

Individual *pro bono* case representation in a broad range of substantive areas is provided to 75 to 100 clients annually. These cases are all screened by MidPenn staff to determine financial eligibility and to ensure that the case is appropriate for referral to *pro bono* counsel. Once it is determined that the case will be referred for *pro bono* representation, the MidPenn *pro bono* coordinator contacts the private bar member to facilitate the referral. All clients are scheduled for interviews in the private office of the *pro bono* attorney. MidPenn's *pro bono* coordinator monitors the status of all referred cases by ensuring that Status/Closing Forms are completed and returned when the services are completed.

In addition to providing individual case representation, bar association members volunteer their time to provide services at family and consumer law clinics that are held at MidPenn's office. The clinics are conducted primarily as a means of providing advice. If, after attending a clinic, it is determined that the client needs additional services, he/she will be scheduled for an interview with a MidPenn staff attorney or with *pro bono* counsel, depending on the nature of his/her legal problem. There are six to eight family law clinics scheduled annually and two or three consumer law clinics.

Bar association volunteers also offer their services to provide community education. At MidPenn's request, they speak at various community events and schools. They also submit informative articles on various legal topics for *MidPenn Matters*, which is MidPenn's client newsletter.

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<sup>1</sup> Based on the 2000 US Census, the poverty populations for these counties are as follows: Centre: 22,742; Juniata: 2,109; Huntingdon: 4,631; Mifflin: 5,701; Clearfield: 10,028; Bedford: 5,073; and Blair: 15,840.

## CUMBERLAND COUNTY

Low-income residents<sup>2</sup> of Cumberland County benefit from the services of nearly 45 members of the Cumberland County Bar Association who provide *pro bono* representation in a wide range of legal issues. MidPenn routinely surveys the private bar members in an attempt to expand the panel of *pro bono* attorneys. MidPenn staff screens clients for income eligibility and conducts a brief assessment of legal merit. Eligible clients are referred to members of the private bar, with an effort made to match attorneys and clients based on geographic location and case type.

Cumberland County Bar Association members also volunteer their services to conduct no-fault divorce clinics which are usually held every other month. Approximately ten clients are scheduled for each clinic where they are guided through the process of filing a *pro se* divorce action.

MidPenn's *pro bono* coordinator is responsible for monitoring the status of all cases referred to *pro bono* counsel. She ensures that the necessary information is received when the attorney concludes his/her representation. In the event that the Status/Closing Form is not returned to MidPenn in a timely fashion, she contacts the *pro bono* attorney to inquire about the status of the case.

MidPenn recognizes *pro bono* volunteers monthly by listing their names in the Bar Newsletter and annually at a meeting of the Cumberland County Bar Association. All attorneys who have accepted referrals or assisted with a clinic receive a certificate of appreciation and one attorney is honored with a plaque for his/her outstanding *pro bono* contribution.

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<sup>2</sup> Based on the 2000 US Census, 13,102 residents of Cumberland County live in poverty.



## DAUPHIN COUNTY

MidPenn and the clients<sup>3</sup> it serves are fortunate to have a bar Association in Dauphin County that takes its PAI responsibility seriously. The Dauphin County Bar Association employs a full-time public services coordinator who not only recruits *pro bono* attorneys but also assigns them a designated time to meet with clients at MidPenn. Because of a large bar association,<sup>4</sup> most attorneys are only asked to accept new *pro bono* cases once every two years. Although the bar association's public services coordinator schedules the *pro bono* attorney for his/her biennial rotation, MidPenn staff screens the clients and schedules them with the *pro bono* attorney. When a client presents a conflict for MidPenn, the bar association's public services coordinator provides the necessary screening and makes the referral to *pro bono* counsel. In 2006, there were 154 *pro bono* attorneys who accepted 200 individual cases covering a broad range of legal issues. MidPenn also received \$35,000 from attorneys who chose to make a financial contribution in lieu of accepting *pro bono* referrals. The recommended contribution to opt out of *pro bono* service is \$300.

Dauphin County Bar Association members also volunteer their time at monthly custody clinics, where information is provided regarding the pros and cons of pursuing a custody action. When the client concludes that filing a custody petition is in his/her child(ren)'s best interest, the attorney assists with the preparation of all necessary documents. Students from local law schools are also available to provide guidance during custody clinics. During 2006, 147 clients were served through the custody clinics. From July 2006 through January 2007, there were also two no-fault divorce clinics held, where *pro bono* counsel served 21 clients.

The Bar Association's public services coordinator monitors the status of all *pro bono* referrals. In the event that there is a delay in receiving the Status/Closing Form, she initiates contact with the *pro bono* attorney to determine whether the case is still active. She continues to monitor cases until the case-closing documentation is returned to her office.

The Dauphin County Bar Association recognizes *pro bono* participants by listing their names in the monthly Bar Association newsletter and by hosting an annual recognition event for all attorneys who participate in the PAI program. This reception is attended by county judges and bar leaders. The president judge addresses the group to commend the attorneys for their service.

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<sup>3</sup> Dauphin County has a poverty population of 23,706.

<sup>4</sup> The MidPenn office and the Dauphin County Bar Association are located in Harrisburg, the state capital. The membership of the bar association is 1400, which is surprisingly large based on the county's population of 251,798, but many of the association's members are employed in the state government offices in Harrisburg who until recently have not been able to participate in *pro bono* activities.

## FRANKLIN and FULTON COUNTIES

The PAI program in Franklin and Fulton<sup>5</sup> Counties provides representation in no-fault divorce cases only. *Pro bono* attorneys are recruited at the annual meeting of the Franklin County Bar Association. During 2006, seventeen of the Association's approximately 150 members agreed to *accept pro bono* cases. At the time they are recruited, the attorneys indicate how many referrals they are willing to accept. During 2006, twenty-four divorce cases were referred to the participating attorneys. Although the numbers are not overwhelming, the PAI program does meet the demand for services for no-fault divorce cases. For the client who is seeking a no-fault divorce, the waiting time to see an attorney is minimal.

Clients are assigned to an attorney based on geographic proximity. All client interviews are conducted in the attorney's private office. Although clients are advised to contact MidPenn if they encounter any problems, MidPenn seldom has any contact with the client after he/she is referred to the private bar. When the *pro bono* attorney has concluded his/her representation, he/she completes a Status/Closing Form and returns it to MidPenn.

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<sup>5</sup> Fulton County has a poverty population of only 1529 and a bar association of only 6 members. Franklin and Fulton Counties are in the same judicial district. Clients in Fulton County are served through the MidPenn office in Franklin County, and *pro bono* referrals for Fulton County residents are made to attorneys in Franklin County.

## LANCASTER COUNTY

In Lancaster County, 200 of the bar association's 745 members have agreed to provide *pro bono* representation through the Lancaster Bar Association's Volunteer Attorney Program. Some of the volunteers have limited their availability by the types of cases that they are willing to accept. In 2006, MidPenn referred 235 cases to 121 participating attorneys. Slightly more than two-thirds of the cases referred were child custody matters. MidPenn's *pro bono* coordinator recruits new volunteer attorneys not only from the bar association's established membership, but also from the association's lists of new members. The Lancaster Bar Association's support of *pro bono* activities is meaningful in a county where 35,553 of its residents live in poverty.

MidPenn's staff screens all non-conflict cases to determine financial eligibility, case type, and degree of urgency. When it is decided that a *pro bono* referral is appropriate, MidPenn's *pro bono* coordinator initiates the contact with a bar association member who has indicated that he/she will accept *pro bono* referrals in the relevant substantive area. All conflict cases are screened by a staff member of the Lancaster Bar Association and, if determined eligible, MidPenn's *pro bono* coordinator is contacted for a referral to *pro bono* counsel.

One member of the Lancaster Bar Association offers his services to conduct clinics for custody cases that present a conflict for MidPenn. Additionally, another bar association member coordinated a seminar to counsel participants who were interested in establishing child care programs that would benefit low-income families.

MidPenn's *pro bono* coordinator monitors the status of all *pro bono* referrals. She routinely follows up with attorneys who have not returned the requested Status/Closing Forms. When a volunteer attorney completes and returns a Status/Closing Form, the Lancaster Bar Association issues him/her a certificate for one free hour of Continuing Legal Education that is offered by the bar association.

With input from MidPenn, the Lancaster Bar Association presents an annual "Access to Justice" award, at a reception hosted by the association, to a *pro bono* attorney who has made a significant contribution to the county's Volunteer Attorney Program. Additionally, all *pro bono* attorneys receive a certificate of appreciation.

In addition to being generous with their time, many members of the Lancaster Bar Association have provided monetary support for MidPenn. In 2006, MidPenn received \$16,000 from 32 attorneys who chose to make a financial contribution in lieu of accepting referrals. The Lancaster Bar Association

also has created a program that allows court-appointed arbitrators to donate all or a portion of their fees to benefit MidPenn. In 2006, this program raised \$8875.

## LEBANON COUNTY

Lebanon County has a well-established and very effective PAI program that receives excellent support from the Lebanon County Bar Association. Nearly 70% of the bar membership actively participates in accepting *pro bono* referrals, which include a broad range of case types. The Bar Association advises the participating members of their scheduled day to interview clients at MidPenn. Throughout the year, two mornings a week, there is a *pro bono* attorney at MidPenn to accept new cases. During 2006, there were 289 cases opened for *pro bono* attorneys. With a poverty population of 8,728 and a bar association of approximately 100 members, these case-acceptance numbers are impressive.

MidPenn staff screens all clients for income eligibility and to ensure that their legal issue is in compliance with the case acceptance guidelines. After the client is screened and it is determined that a referral to *pro bono* counsel is appropriate, MidPenn's *pro bono* coordinator schedules the client for the next available appointment.

MidPenn's *pro bono* coordinator monitors the status of cases referred to *pro bono* counsel. Although receiving information via the Status/Closing Form is not usually a problem, she does follow up with attorneys who do not return the form in a timely fashion. If the attorney is still actively representing the client, the *pro bono* coordinator notes the file accordingly and contacts the attorney at a later date, if necessary.

In addition to individual representation, there is one volunteer from the Lebanon County Bar Association who routinely conducts informational clinics regarding custody issues. These clinics serve five to ten clients each time they are held. The client's needs are usually met by the information that is provided. Occasionally, the client wishes to pursue an agreement between the parties or file a custody action. In those situations, *pro bono* counsel provides the necessary services.

## SCHUYLKILL COUNTY

In Schuylkill County, with a poverty population of 13,612 and a bar association of 184 members (over 50 of whom are not eligible to participate in the PAI program), *pro bono* services are provided by approximately 17% of the eligible bar association membership. Most of the *pro bono* services are for representation in family law cases that present a conflict for MidPenn. In 2006, there were 60 conflict cases and 16 non-conflict cases referred to *pro bono* counsel.

Prior to 2005, the Schuylkill County Bar Association coordinated the PAI program but, after losing a staff person, the responsibility has shifted to MidPenn. At the time of the transfer of responsibility, MidPenn was provided with a list of bar association members who agreed to accept *pro bono* referrals. There is an ongoing effort to expand that list.

MidPenn staff screens all potential referrals for income eligibility and, in the case of non-conflict cases; a brief assessment of merit is made. The attorney's initial interview with the *pro bono* client is usually conducted at the MidPenn office.

There is also one *pro bono* attorney in Schuylkill County who conducts a monthly *pro se* custody clinic. She provides an overview of the custody process and explains the pros and cons of filing a custody action. She also assists those who have questions about completing the *pro se* custody petition.

The MidPenn *pro bono* coordinator monitors the status of all non-conflict *pro bono* referrals. She contacts any attorney who does not return the Status/Closing Form within a reasonable amount of time after having received the referral.

In addition to providing individual case representation, the Schuylkill County Bar Association prepares, copies, and distributes *pro se* custody informational packets to individuals who are interested in initiating a custody action or filing for modification of an existing order. In the first four months of offering this service, the Bar Association distributed approximately 300 packets.

## YORK COUNTY

The York County Bar Association solicits its membership for volunteers to provide *pro bono* representation based on their area of interest and/or expertise. They are assigned to panels<sup>6</sup> according to the preferences they indicate. MidPenn screens all cases for income eligibility and case type and contacts members of the panels to accept referrals. In 2006, there were 60 *pro bono* attorneys who accepted 101 referrals. All interviews are conducted in the private offices of the volunteer attorneys. Additionally, another five attorneys volunteered their services to assist with the monthly *pro se* custody and no-fault divorce clinics that are conducted by MidPenn.

Of the York County Bar Association's 470 members, 170<sup>7</sup> have agreed to participate on *pro bono* panels. Additionally, in 2006, there were 112 members who chose to make a financial contribution of \$250.00 to MidPenn in lieu of accepting cases. Their total contribution was \$27,650. The York County Bar Association's financial support and *pro bono* representation are meaningful to the 25,269 residents of York County who live in poverty.

MidPenn's *pro bono* coordinator monitors the status of all cases that are referred to *pro bono* counsel. Based on open-caseload reports, she periodically follows up with attorneys who have not returned the Status/Closing Form.

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<sup>6</sup> The panels include the following case types: custody conciliation; bankruptcy; unemployment compensation; housing; transactional; and, family law.

<sup>7</sup> There is a significant gap between the number of attorneys who have agreed to accept *pro bono* referrals and those that actually provided services because many of the volunteer attorneys requested case types that MidPenn did not have available for referral.

## RECOGNITION OF PRO BONO EFFORTS

Pro Bono efforts are recognized in many ways including monthly listing in county bar newsletters, certificate of appreciations at annual bar association functions and nominations of pro bono attorneys for the annual Pennsylvania Bar Association Pro Bono Attorney awards. Attorneys receive these awards during the annual Pro Bono Attorney Conference which is held each spring.

Moreover, in the past 6 years, three Bar Associations within the MidPenn service area have received the Pennsylvania Bar Association's **Louis J. Goffman Award**, the most prestigious *pro bono* award given by the Pennsylvania Bar Association.

In 2000, this award was bestowed upon the Cumberland County Bar Association for its efforts in increasing pro bono and setting up a seamless county wide system for victims of domestic violence.

In 2005, this award was bestowed upon the Dauphin County Bar Association for its long standing creative and comprehensive commitment to pro bono participation and support of legal services.

In 2006, this award was bestowed upon the Lancaster Bar Association's Foundation in recognition of its success in raising the necessary funds to hire an attorney at MidPenn who specializes in child custody matters.

In July 2005, the Lebanon Bar Association won a statewide award for its work on behalf of low income residents of Lebanon County. In presenting this award, Pennsylvania Bar Association Pro Bono Coordinator, David Trevaskis stated, "The Lebanon County Bar Association has an impressive record with pro bono. They have a long standing program with an incredibly high rate of participation. This award is well deserved and long overdue."

## COLLABORATIVE PARTNERS

Pro Bono within the MidPenn region is a collaborative partnership supported by members of the private bar, county bar associations, the two law schools and community professionals who donate their time and talent to try and meet the unmet civil legal needs of low income residents and survivors of domestic violence in MidPenn's 18 county region.

**MidPenn Legal Services** provides malpractice coverage for all attorneys who undertake pro bono activities. Also, pro bono attorneys who are assigned cases are able to contact legal services staff to discuss cases and to have their questions answered, should they run into problems with an assigned case. Staff also provide pleadings and other documents to pro bono attorneys should they need them.



The **PA Bar Institute**, the training arm of the Pennsylvania Bar Association has agreed to make relevant substantive law videotapes available at no charge to participating pro bono attorneys. PBI also provides free Continuing Legal Education credits to all full-time legal services attorneys.

The **Miller Center for Public Interest Advocacy** at the Penn State Dickinson School of Law is available to provide volunteer law students to assist pro bono attorneys with pro bono matters. The students can provide research, draft pleadings or other things that pro bono attorneys may need.

Each year, the **Pennsylvania Bar Association** hosts a day long pro bono conference and also provides coupons to attorneys who handle pro bono matters which allow them to take 10-20% off on Continuing Legal Education Seminars or legal publications.

## FOLLOW-UP AND TRACKING OF PAI CASES

On November 17, 2006 a training session was held for all MidPenn staff with PAI responsibilities. This training consisted of the following: Review of LSC Regulations regarding PAI activities and cases, timely closing, documentation of legal advice, periodic follow-up, Oversight of PAI cases including what it means, how it is to be accomplished, what information is necessary and how it should be documented. As a result of this session, the following Policy/Procedure for PAI Follow-up was developed.

Pro Bono Coordinators (PBCs) will receive regular listings showing pending pro bono cases that have reached the age at which the attorney handling them should be contacted for a status report and/or closing information. (Form Attached) For the sake of efficiency and expediency, we strongly encourage you to move toward email as the primary means of follow-up. Subsequent to the meeting, a decision was made to use a time frame of 5-6 months. However, in order to address LSC regulations regarding timely closing, most notably the requirement that "...to the extent practicable, programs shall report cases as having been closed in the year in which assistance ceased," we had to modify the timetable somewhat. Here is the modified schedule:

Jan	June
Feb	July
Mar	August
Apr	September
May	October
Jun	October
Jul	November
Aug	November
Sep	November
Oct	November
Nov	November
Dec	(PBC's discretion)

Note that cases opened in December indicate "Pro Bono Coordinator's discretion." These cases **should be** individually reviewed in December, and if they are such that they could have been closed within the month, contact with the private attorney should be made. Otherwise, a notation in the file should be made indicating that the case is such that it would not be reasonable to expect closing within this short a time frame.

Remember that LSC regulations require client files to contain documentation of the legal assistance provided to the client, even for pro bono cases. Consequently, the responses you receive – whether in the form of a status report or a closing report – should be reviewed to confirm that they meet this requirement. If they don't, further follow-up will be needed before the file can be closed. That further follow-up can be a simple phone call or email to the attorney to clarify the inadequate response on the closing form. You would then simply write on the closing form that you called the attorney on x date and confirmed the correct information, sign it and place it in the client's file. ***Alternatively, you could document the contact in the Notes field of the client record.***

**After the initial follow-up is completed**, it is up to each PBC to implement a tickle system for subsequent follow-up. The frequency of follow-up contact with the PB attorney should depend on the attorney's response to the initial follow-up and the type of case. You will need to use good judgment and you will need to make a file note as to the reason for your decision. By way of example:

- a. A Chapter 13 Bankruptcy Case is referred to a pro bono attorney (these can take 3 to 5 years to complete and get a discharge). If the 6 month follow-up results in the attorney responding that he has filed the Ch. 13 Plan and that the case is expected to remain open for 3 years, it may be appropriate to send a follow-up only once a year in November, to confirm that the client has continued to follow the plan and the case has not been dismissed by the Court. To contact the lawyer more frequently could be viewed by the PB attorney as unnecessarily bothersome. The once a year contact makes sense and could be justified if necessary. If the November follow-up results in a non-response from the attorney, an additional effort should be made to confirm that the file is appropriately still open.
- b. A divorce case with what appears to be a consent divorce is referred to a pro bono attorney in February or March. If the 6 month follow-up gets no reply from the attorney, subsequent follow-up efforts are needed before December 31<sup>st</sup> as we can't assume that the case is legitimately still open. A consent divorce would normally take 5 or 6 months to be concluded. If we can't get confirmation of the case status as appropriately still open, we would need to reject the case or if there is evidence that we provided advice (divorce pamphlet, file notes, etc.) close it as advice only. If the PB Attorney does respond and indicates that there was a problem in serving the Defendant with the Divorce Complaint and he/she is waiting for the client to provide an accurate address, it would be appropriate to make such notation, keep the file open, and do another follow-up contact in 3 or 4 months to see if there have been further developments. If not, it would seem appropriate for us to close the file with the highest level of service we are able to document was provided (i.e. get the PB attorney to indicate that he/she advised the client about the law and procedure in filing a divorce-we can't *assume* this to be the case) rather than keep it open indefinitely while the lawyer waits indefinitely for the client to get

back to them with an address. The same situation would apply, where after the attorney has filed the divorce action the attorney is no longer able to contact the client or the Defendant decides not to sign the consent or whatever- such that the case is stalled and the lawyer decides just to let it sit until it gets dismissed rather than seeking to withdraw as counsel. If this occurs, it would seem appropriate for us to close the file with the highest level of service we are able to document was provided.

- c. A landlord/tenant case with a DJ hearing coming up in a week or so (could also be UC Referee's Hearing) is referred to a pro bono attorney. The 6 month follow-up results in a status report response that the PB Attorney attended the hearing and won but the other side appealed and they are representing the client in the appeal and that they are not sure how long the case is expected to remain open. In such case, a 4 to 6 month follow-up might be appropriate. However, if the above information is provided in August or earlier, a follow-up status determination should be made before December 31<sup>st</sup> and the results documented, in order to keep the file open into the next calendar year.

*These examples are intended to help you understand the process you will need to use in order to determine the appropriate timeline for further follow-up. There are no magic answers. It would be appropriate for you to consult with your office manager, Howard Miskey, Director of Advocacy or Dan Browning, Director of Information Systems in the event that particular situations arise where there does not appear to be a simple answer.*

It is part of the Director of Administration's job duties to ensure that each pro bono coordinator is following up with pro bono attorneys on the cases that are sent out pro bono. This will be done through email contact and meetings with pro bono coordinators at specific intervals to ensure that they are following up on the lists that they are provided.